

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FIELDTURF USA, INC.)	
5211 Mitchell Bridge Road)	CASE NO.: 1:06CV2624
Dalton, Georgia 30721)	
)	
-and-)	JUDGE PATRICIA A. GAUGHAN
)	
FIELDTURF TARKETT INC.)	
8088 Montview Road)	
Town of Mount Royal Quebec)	
Canada, H4P2L7)	
)	
Plaintiffs,)	<u>JOINT REPORT OF PARTIES'</u>
v.)	<u>PLANNING MEETING UNDER</u>
)	<u>FED. R. CIV. P. 26(f) AND L.R. 16.3(b)</u>
)	
SPORTS CONSTRUCTION GROUP, LLC)	
1406 West Sixth Street)	
Suite 200)	
Cleveland, Ohio 44113)	
)	
-and-)	
)	
PAUL FRANKS)	
1406 West Sixth Street)	
Suite 200)	
Cleveland, Ohio 44113)	
)	
Defendants.)	

NOTE TO THE COURT:

This document has not yet been approved to by the Defendants even though it represents the most current iteration negotiated between the parties. This document is being submitted in an attempt to comply with the Court's Order and in no way for purposes of prejudicing the Defendants. FieldTurf has provided this document, in its current form (other than this note) for a final review and comments to Defendants, earlier today. Unfortunately, they have not responded back to FieldTurf with their comments, even though FieldTurf's counsel has left voice messages and emails requesting such comments and the need to file the document with the Court.

Since this document is due today, and recognizing that it is intended to be a jointly submitted document, FieldTurf is agreeable, with the Court's permission to the filing of an amended Joint Report of Parties' Planning and Meeting approved by all of the parties. Again, submittal of this document is in no way intended to prejudice the Defendants.

The Plaintiffs, FieldTurf USA, Inc. and FieldTurf Tarkett Inc. (collectively referred to herein as "FieldTurf"), and the Defendants Sports Construction Group, LLC ("SCG") and Paul Franks (collectively referred to as "Defendants"), pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.3 (b), submit their Joint Report of Parties Planning Meeting.

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.3(b), a meeting was held on December 11, 2006, and was attended by:

Counsel for Plaintiffs FieldTurf USA, Inc. and FieldTurf Tarkett Inc.
("FieldTurf")

Jody L. Factor, Esq.
Nicholas S. Lee, Esq.

Counsel for Defendants Sports Construction Group, LLC and Paul Franks ("Defendants")

Joseph R. Spoonster, Esq.
James Lindon, Esq.

The parties have discussed the following agenda items and submit them for the Court's consideration at the Case Management Conference, which is scheduled for December 19, 2006. Because the parties were unable to agree on certain matters at this time, the parties will propose and file a separate Discovery Plan reflecting their respective positions.

2. The parties will exchange the pre-discovery disclosures under Fed. R. Civ. P. 26(a)(1) on or before **December 21, 2006** as required by the Federal Rules and the Courts prior order.
3. The parties **could not agree** on a recommended track. FieldTurf believes this case should be assigned to the standard track with discovery to last no less than twelve months. Defendants propose the standard track but suggest that the entire Case, including trial, can be

completed within twelve months.

4. This case **is suitable** for Electronic Case Filing ("ECF").

5. The parties agree that this Case **is not suitable** for one or more of the Alternative Dispute Resolution ("ADR") mechanisms, but may be at a later time after discovery.

6. The parties **do not** consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) at this time.

7. Recommended Discovery Plan: As previously mentioned in paragraph 1, *supra*, the parties will separately propose and file with the Court their respective recommended discovery plans.

Respectfully Submitted,

s/ Jody L. Factor

Jody L. Factor, Esq.
Nicholas S. Lee, Esq.
FACTOR & LAKE, LTD
1327 W. Washington Blvd., Suite 5G/H
Chicago, IL 60607
Telephone: (312) 226-1818
Facsimile: (312) 226-1919
Email: jfactor@factor-lake.com
nlee@factor-lake.com

and

H. Alan Rothenbuecher (0041883)
Schottenstein, Zox & Dunn Co., LPA
US Bank Centre at Playhouse Square
1350 Euclid Avenue, Suite 1400
Cleveland, OH 44115
Telephone: 216-621-6501
Facsimile: 216-621-6502
Email: hrothenbuecher@szd.com
*Attorneys for Plaintiffs FieldTurf USA, Inc.
and FieldTurf Tarkett Inc.*

Dated: December 13, 2006

John K. Lind (#0052247)
Ronald H. Lasko (#0023414)
Joseph R. Spoonster (#0070863)
Thomas J. Vozar (#0037417)
Lasko & Lind Co. L.P.A.
1406 West Sixth Street, Suite 200
Cleveland, Ohio 44113-1300
Telephone: (216) 574-2600
Facsimile: (216) 574-2800
Email: jlind@laskolind.com
rlasko@laskolind.com
jspoonster@laskolind.com
tvozar@laskolind.com

James L. Lindon, Ph.D (#0068842)
Lindon & Lindon, LLC
1250 Linda Street
Rocky River, Ohio 44116
Telephone: (440) 333-0011
Facsimile: (404) 710-4925
Email: JLindon@LindonLaw.com

*Attorneys for Defendants Sports Construction
Group LLC and Paul Franks*

CERTIFICATE OF SERVICE

I, Jody L. Factor hereby certify that on this 13th of December, 2006, a copy of the foregoing document entitled, "**JOINT REPORT OF PARTIES' PLANNING MEETING UNDER FED. R. CIV. P. 26(f) AND L.R. 16.3(b)**" was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

s/ Jody L. Factor

Jody L. Factor
FACTOR & LAKE, LTD.
1327 W. Washington Blvd., Suite 5G/H
Chicago, Illinois 60607
Phone: (312) 226-1818
Fax: (312) 226-1919
Email: jfactor@factor-lake.com